

LAW OFFICE OF NORMAN NEWHOUSE
NORMAN NEWHOUSE, No. 104746
483 Seaport Court, Suite 103
Redwood City, CA 94063
Telephone: (650) 365-8534
Facsimile: (650) 365-1218

Attorney for Plaintiff
ALEXIS BAUISTA

FILED

MAY - 9 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXIS BAUTISTA, an individual

Plaintiff,
v.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
POLICE DEPARTMENT, SAN
FRANCISCO POLICE OFFICER
WILLIAMS, SAN FRANCISCO
POLICE SERGEANT ESPINOZA,
SAN FRANCISCO POLICE
OFFICER LUM, DOES
THROUGH 20, Inclusive,
Defendants.

Case No.: CD7-5434CW

**NOTICE OF ORDER AND
MOTION TO BE RELIEVED AS
COUNSEL - CIVIL**

Hearing Date: April 23, 2008

Time: 9:00 a.m.

Place: Dept. 5

Before: Claudia Wilkin

Date Action Filed: Sept. 25, 2007

Trial Date: April 13, 2009

TO PLAINTIFF ALEXIS BAUTISTA:

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. COURT'S ORDER ON PLAINTIFF'S ATTORNEY NORMAN NEWHOUSE'S
MOTION TO WITHDRAW;

2. SERVICE OF MOTION BY DEFENDANT, CITY AND COUNTY OF SAN
FRANCISCO, OF MOTION TO COMPEL PLAINTIFF'S RESPONSES TO
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS.

PLAINTIFF ALEXIS BAUTISTA - PLEASE TAKE NOTICE that on May 1, 2008, the
court made an Order attached hereto as Exhibit 1, that the motion of your attorney, Norman
Newhouse to withdraw as your attorney of record was granted. He is no longer your attorney

1 and you must either proceed as you are on attorney or retain another attorney.

2 PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order attached as
3 Exhibit 1, a Case Management Conference requiring your appearance is not scheduled for June
4 24 at 2 p.m. in the United States District Court for the Northern District of California, 1301 Clay
5 Street, Suite 400, Oakland, CA 94612-5212; Telephone: (510) 637-3530. If plaintiff does not
6 appear for the Case Management Conference as scheduled, her case will be dismissed for failure
7 to prosecute.

8 PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's order attached as
9 Exhibit 1, plaintiff is required to respond to Defendant's Motion to Compel Responses to
10 Interrogatories and Requests for Production of Documents; and for Monetary Sanctions, attached
11 hereto as Exhibit 2, by no later than May 22, 2008. If plaintiff does not respond by May 22,
12 2008, to defendant's motion to compel, her case will be dismissed for failure to prosecute.

13 DATE: May 5, 2008

14 LAW OFFICE OF NORMAN NEWHOUSE

15
16 
17 Norman Newhouse
18 Former Attorney for Plaintiff, Alexis Bautista
19
20
21
22
23
24
25
26
27
28

Exhibit 1

EXHIBIT 1

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEXIS BAUTISTA,

Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO, SAN
FRANCISCO POLICE DEPARTMENT, SAN
FRANCISCO POLICE OFFICER WILLIAMS,
SAN FRANCISCO POLICE SERGEANT
ESPINOZA, and SAN FRANCISCO POLICE
OFFICER LUM,

Defendants.

No. C 07-5434 CW

ORDER

(1) GRANTING
PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW;
(2) REGARDING
DEFENDANTS' MOTION TO
COMPEL; AND
(3) SCHEDULING CASE
MANAGEMENT CONFERENCE

1. Counsel for Plaintiff Alexis Bautista has filed a motion to withdraw. In support of his motion, counsel declares that he and his client "have reached an impass [sic] in proceeding with the case and an inability to communicate due to personal differences." Counsel also declares that he served on Plaintiff the motion to be relieved as counsel and the amended notice indicating the proper hearing date. Plaintiff did not file an opposition to the motion to withdraw and did not appear at the hearing to oppose the motion. Defendants do not oppose the motion. Counsel's motion to withdraw

United States District Court
For the Northern District of California

1 is GRANTED (Docket No. 24). Plaintiff shall file a notice of
2 appearance stating her contact information if she intends to
3 proceed in pro per. If Plaintiff retains other counsel, such
4 counsel shall file a notice of appearance instead.

5 2. Defendants have filed a motion to compel Plaintiff to
6 provide initial disclosures and respond to interrogatories and
7 seeking sanctions. By May 22, 2008, Plaintiff shall oppose the
8 motion or provide her initial disclosures and responses to
9 Defendants' interrogatories. If Plaintiff opposes the motion,
10 Defendants may file a reply brief one week thereafter and the
11 motion will be submitted on the papers. If Plaintiff provides her
12 initial disclosures and responses to Defendants' interrogatories,
13 Defendants' motion will be denied as moot. The June 12, 2008
14 hearing is hereby VACATED. If Plaintiff does not comply with the
15 directions in this paragraph, her case may be dismissed for failure
16 to prosecute.

17 3. A case management conference will be held on June 24, 2008
18 at 2:00 PM. If Plaintiff intends to pursue this case, she must
19 appear at the case management conference in person or through new
20 counsel. If Plaintiff fails to appear, the case will be dismissed
21 for failure to prosecute.

22 Counsel shall serve Plaintiff with a copy of this order and a
23 copy of Defendants' motion to compel.

24 IT IS SO ORDERED.

25
26 Dated: 5/2/08



CLAUDIA WILKEN
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEXIS BAUTISTA,

Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO, SAN
FRANCISCO POLICE DEPARTMENT, SAN
FRANCISCO POLICE OFFICER WILLIAMS,
SAN FRANCISCO POLICE SERGEANT
ESPINOZA, and SAN FRANCISCO POLICE
OFFICER LUM,

Defendants.

No. C 07-5434 CW

ORDER

(1) GRANTING
PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW;
(2) REGARDING
DEFENDANTS' MOTION TO
COMPEL; AND
(3) SCHEDULING CASE
MANAGEMENT CONFERENCE

1. Counsel for Plaintiff Alexis Bautista has filed a motion to withdraw. In support of his motion, counsel declares that he and his client "have reached an impass [sic] in proceeding with the case and an inability to communicate due to personal differences." Counsel also declares that he served on Plaintiff the motion to be relieved as counsel and the amended notice indicating the proper hearing date. Plaintiff did not file an opposition to the motion to withdraw and did not appear at the hearing to oppose the motion. Defendants do not oppose the motion. Counsel's motion to withdraw

1 is GRANTED (Docket No. 24). Plaintiff shall file a notice of
2 appearance stating her contact information if she intends to
3 proceed in pro per. If Plaintiff retains other counsel, such
4 counsel shall file a notice of appearance instead.

5 2. Defendants have filed a motion to compel Plaintiff to
6 provide initial disclosures and respond to interrogatories and
7 seeking sanctions. By May 22, 2008, Plaintiff shall oppose the
8 motion or provide her initial disclosures and responses to
9 Defendants' interrogatories. If Plaintiff opposes the motion,
10 Defendants may file a reply brief one week thereafter and the
11 motion will be submitted on the papers. If Plaintiff provides her
12 initial disclosures and responses to Defendants' interrogatories,
13 Defendants' motion will be denied as moot. The June 12, 2008
14 hearing is hereby VACATED. If Plaintiff does not comply with the
15 directions in this paragraph, her case may be dismissed for failure
16 to prosecute.

17 3. A case management conference will be held on June 24, 2008
18 at 2:00 PM. If Plaintiff intends to pursue this case, she must
19 appear at the case management conference in person or through new
20 counsel. If Plaintiff fails to appear, the case will be dismissed
21 for failure to prosecute.

22 Counsel shall serve Plaintiff with a copy of this order and a
23 copy of Defendants' motion to compel.

24 IT IS SO ORDERED.

25
26 Dated: 5/2/08



CLAUDIA WILKEN
United States District Judge

Exhibit 2

EXHIBIT 2

DENNIS J. HERRERA, State Bar #139669
City Attorney
JOANNE HOEPER, State Bar #114961
Chief Trial Deputy
SCOTT D. WIENER, State Bar #189266
Deputy City Attorney
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-4283
Facsimile: (415) 554-3837

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXIS BAUTISTA, an individual,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
POLICE DEPARTMENT, SAN
FRANCISCO POLICE OFFICER
WILLIAMS, SAN FRANCISCO POLICE
SERGEANT ESPINOZA, SAN
FRANCISCO POLICE OFFICER LUM,
DOES 1 to 20, Inclusive,

Defendants.

Case No. C07-5434 CW

**MOTION TO COMPEL PLAINTIFF
TO PROVIDE INITIAL
DISCLOSURES AND TO RESPOND
TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

REQUEST FOR SANCTIONS

Hearing Date: June 12, 2008
Time: 2:00 p.m.
Dept.: Courtroom 2, 4th Floor
Hon. Claudia Wilken

NOTICE OF MOTION AND MOTION

TO PLAINTIFF AND HER COUNSEL OF RECORD: NOTICE IS HEREBY GIVEN that on June 12, 2008, at 2 p.m., in the United States District Court for the Northern District of California, 1301 Clay Street, Oakland, California, Courtroom 2, 4th Floor, Defendants will, and hereby do, move to compel Plaintiff Alexis Bautista to provide initial disclosures as required by Fed. R. Civ. P. 26, to respond to interrogatories as required by Fed. R. Civ. P. 33, and to respond to requests for production as requested by Fed. R. Civ. P. 34. Each of these items is long past due.

Defendants base their motion on this notice of motion and motion, the memorandum of points and authorities in support thereof, the declaration of Scott Wiener, the complete case file, and such other evidence as may be brought to the Court's attention before or at the hearing on this motion.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff has not provided initial disclosures, which were due on February 26, 2008. In addition, Defendant City and County of San Francisco propounded document requests and interrogatories on Plaintiff, with service by mail, on January 18, 2008, meaning that responses were due on February 22, 2008. Defendants have not provided an extension to respond, yet Plaintiff has not provided responses. *See* Declaration of Scott Wiener, dated April 15, 2008.

To date, Plaintiff has not provided any of these discovery materials, despite repeated requests by Defendants that she do so. *See* Wiener Decl. The Court should order Plaintiff to provide initial disclosures and the overdue discovery responses. Moreover, the responses should be without objection, given that any objections have been waived. *See* Fed. R. Civ. P. 26, 33, 34.

1 Finally, the Court should sanction Plaintiff in the amount of \$400, comprising the one hour
2 that it took defense counsel to prepare this filing and the one hour anticipated for argument on the
3 motion. *See Wiener Decl.*

4
5 Dated: April 15, 2008

6 DENNIS J. HERRERA
7 City Attorney
8 JOANNE HOEPER
9 Chief Trial Deputy
SCOTT D. WIENER
Deputy City Attorney

10 -/s/- Scott D. Wiener

11 By: _____
12 SCOTT D. WIENER
13 Attorneys for Defendants
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Declaration of Scott Wiener

I, Scott Wiener, declare as follows:

1. I am a Deputy City Attorney in the Office of the City Attorney, counsel of record to Defendants in the above action. I have personal knowledge of the contents of this declaration, except where indicated otherwise, and I could and would testify competently thereto if called upon to do so.

2. Initial disclosures in this case were due on February 26, 2008, one week before the initial case management conference, which was held on March 4, 2008. To date, Plaintiff has not produced initial disclosures despite repeated requests by me to Plaintiff's counsel, Norman Newhouse, to provide those disclosures and despite repeated statements by Mr. Newhouse that he would provide the material.

3. On January 18, 2008, after counsel conducted the required Rule 26 conference, my office served by mail requests for production and interrogatories. Attached hereto as Exhibits A and B are true and correct copies of those documents, with proofs of service. Defendants have not granted Plaintiff any extensions to respond. To date, Defendants have not received responses to the requests for productions and interrogatories.

4. My hourly rate is \$200. I spent one hour preparing and overseeing this filing. I anticipate spending in excess of one hour attending the hearing on this motion, including travel time. Defendants therefore request sanctions in the amount of \$400.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 15, 2008, at San Francisco, California.

-/s/- Scott D. Wiener

Scott Wiener

Bautista v. City and County of San Francisco, et al.

Case No. C07-5434 CW

Exhibit A

to

Motion to Compel
Plaintiff To Provide Initial Disclosure and
To Respond to Interrogatories and
Requests for Production

Request for Sanctions

DENNIS J. HERRERA, State Bar #139669
City Attorney

JOANNE HOEPER, State Bar #114961
Chief Trial Deputy

SCOTT D. WIENER, State Bar #189266
Deputy City Attorney

Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-4283
Facsimile: (415) 554-3837

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

ALEXIS BAUTISTA, an individual,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
POLICE DEPARTMENT, SAN
FRANCISCO POLICE OFFICER
WILLIAMS, SAN FRANCISCO POLICE
SERGEANT ESPINOZA, SAN
FRANCISCO POLICE OFFICER LUM,
DOES 1 to 20, Inclusive,

Defendants.

Case No. CGC-07-467555

**DEFENDANT CITY AND COUNTY OF
SAN FRANCISCO'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF
ALEXIS BAUTISTA**

Pursuant to Federal Rule of Civil Procedure 33, Defendant City and County of San Francisco requests that Plaintiff Alexis Bautista answer the following interrogatories within 30 days of service of this document.

"YOU" shall mean Plaintiff Alexis Bautista and anyone acting on her behalf, including without limitation attorneys, investigators, agents, employees, and legal support staff.

"INCIDENT" shall mean the incident(s) giving rise to this case.

"IDENTIFY" shall mean:

(a) With respect to persons, to state all known names and nicknames, all known addresses (home and business), and all known telephone numbers (home, business, cellular, pager);

(b) With respect to documents, to describe them with particularity, to state the number of pages of which they consist, to describe their contents, to state their date and manner of creation, and to indicate the current persons or entities in whose possession they reside.

Interrogatory No. 1:

State every name that YOU have used in YOUR life.

Interrogatory No. 2:

What is YOUR date of birth?

Interrogatory No. 3:

Please provide all home addresses where YOU have lived.

Interrogatory No. 4:

Please describe with particularity each crime of which YOU have been convicted, including without limitation the name of the crime, the court in which YOU were convicted, the date of conviction, and the case number of the matter that resulted in the conviction.

Interrogatory No. 5:

Describe with particularity all lawsuits that YOU have filed. Please include the titles of the lawsuits, the names of the parties, the courts in which the lawsuits were filed, the case number, the facts underlying the lawsuits, and the resolutions of the lawsuits.

Interrogatory No. 6:

Describe with particularity how the INCIDENT occurred.

1 Interrogatory No. 7:

2 Please state all facts supporting YOUR claim that any employee of the City and County of
3 San Francisco is liable for violating YOUR federal constitutional rights, including a description with
4 particularity of what each specific employee is alleged to have done.

5 Interrogatory No. 8:

6 Please state all facts supporting YOUR claim that any employee of the City and County of
7 San Francisco is liable to YOU under California law, including a description with particularity of
8 what each specific employee is alleged to have done.

9 Interrogatory No. 9:

10 Please describe all damages that YOU are claiming in this lawsuit, including an itemization
11 of the types and amounts of damages that YOU are claiming.

12 Interrogatory No. 10:

13 IDENTIFY all persons with knowledge of the damages that YOU are claiming in this
14 lawsuit.

15 Interrogatory No. 11:

16 Describe all physical injuries that YOU sustained as a result of the INCIDENT.

17 Interrogatory No. 12:

18 As of immediately before the INCIDENT, did YOU have any mental, physical, or emotional
19 disability or injury that is similar to, or affecting the same parts of YOUR body as, any disabilities or
20 injuries that YOU are claiming as a result of the INCIDENT.

21 Interrogatory No. 13:

22 Are YOU claiming severe emotional distress or psychological injury as a result of the
23 INCIDENT?

24 Interrogatory No. 14:

25 If YOU are claiming severe emotional distress or psychological injury as a result of the
26 INCIDENT, please state all facts supporting that claim.

1 Interrogatory No. 15:

2 If YOU are claiming severe emotional distress or psychological injury as a result of the
3 INCIDENT, please IDENTIFY all persons with knowledge of that claim.

4 Interrogatory No. 16:

5 Are YOU claiming that YOU lost income (past, present, or future) as a result of the
6 INCIDENT?

7 Interrogatory No. 17:

8 If YOU are claiming that YOU lost income (past, present, or future) as a result of the
9 INCIDENT, state all facts supporting such claim, including without limitation the precise amount of
10 lost income that YOU are claiming and the method of calculating that amount?

11 Interrogatory No. 18:

12 If YOU are claiming that YOU lost income (past, present, or future) as a result of the
13 INCIDENT, IDENTIFY all persons with knowledge of that claim.

14 Interrogatory No. 19:

15 If YOU are claiming that YOU lost income (past, present, or future) as a result of the
16 INCIDENT, IDENTIFY all DOCUMENTS supporting that claim.

17 Interrogatory No. 20:

18 IDENTIFY all health care professionals who treated YOU as a result of the INCIDENT.

19 Interrogatory No. 21:

20 IDENTIFY all mental health professionals, including without limitation psychiatrists,
21 psychologists, therapists, counselors, and social workers, from whom YOU have obtained treatment
22 or counseling in the past ten years.

23 Interrogatory No. 22:

24 IDENTIFY all health care professionals who treated YOU from ten years before the
25 INCIDENT through the present.

26 Interrogatory No. 23:

27 Are you currently experiencing any physical, mental, or emotional symptoms, pain, or
28 problems as a result of the INCIDENT?

1 Interrogatory No. 24:

2 If YOUR response to interrogatory 23 is anything but an unqualified negative response,
3 please describe all physical, mental, or emotional symptoms, pain, or problems that you are currently
4 experiencing as a result of the INCIDENT?

5 Interrogatory No. 25:

6 Please state all facts supporting your claim that the City and County of San Francisco is
7 liable to YOU under either federal or state law, including without limitation all facts supporting
8 YOUR claim that a policy, custom, or usage of the City and County of San Francisco caused all or
9 part of the injuries that YOU are claiming in this case.

10
11 Dated: January 18, 2008

12 DENNIS J. HERRERA
13 City Attorney
14 JOANNE HOEPER
15 Chief Trial Deputy
16 SCOTT D. WIENER
17 Deputy City Attorney

18 By: 

19 SCOTT D. WIENER
20 Attorneys for Defendant
21 CITY AND COUNTY OF SAN FRANCISCO
22
23
24
25
26
27
28

BAUTISTA V. CCSF, ET AL. - SF SUPERIOR COURT NO. CGC-07-467555

PROOF OF SERVICE

I, HELEN LAU, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On January 18, 2008, I served the attached:

**DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF ALEXIS BAUTISTA**

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Norman Newhouse, Esq.
Law Office of Norman Newhouse
483 Seaport Court, Suite 103
Redwood City, CA 94063
Telephone: (650) 365-8534
Facsimile: (650) 365-1218
Counsel for Plaintiff

and served the named document in the manner indicated below:

- ☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.
- ☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☐ will be filed separately with the court.
- ☐ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.
- ☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-3837 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report ☐ is attached or ☐ will be filed separately with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed January 18, 2008, at San Francisco, California.


HELEN LAU

Bautista v. City and County of San Francisco, et al.

Case No. C07-5434 CW

Exhibit B

to

Motion to Compel
Plaintiff To Provide Initial Disclosure and
To Respond to Interrogatories and
Requests for Production

Request for Sanctions

DENNIS J. HERRERA, State Bar #139669
City Attorney

JOANNE HOEPER, State Bar #114961
Chief Trial Deputy

SCOTT D. WIENER, State Bar #189266
Deputy City Attorney

Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-4283
Facsimile: (415) 554-3837

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

ALEXIS BAUTISTA, an individual,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
POLICE DEPARTMENT, SAN
FRANCISCO POLICE OFFICER
WILLIAMS, SAN FRANCISCO POLICE
SERGEANT ESPINOZA, SAN
FRANCISCO POLICE OFFICER LUM,
DOES 1 to 20, Inclusive,

Defendants.

Case No. CGC-07-467555

**DEFENDANT CITY AND COUNTY OF
SAN FRANCISCO'S FIRST SET OF
REQUESTS FOR PRODUCTION TO
PLAINTIFF ALEXIS BAUTISTA**

Pursuant to Federal Rule of Civil Procedure 34, Defendant City and County of San Francisco requests that Plaintiff Alexis Bautista answer the following requests for production and produce responsive documents within 30 days of service of this document.

"YOU" shall mean Plaintiff Alexis Bautista and anyone acting on her behalf, including without limitation attorneys, investigators, agents, employees, and legal support staff.

"INCIDENT" shall mean the incident(s) giving rise to this case.

"IDENTIFY" shall mean:

(a) With respect to persons, to state all known names and nicknames, all known addresses (home and business), and all known telephone numbers (home, business, cellular, pager);

(b) With respect to documents, to describe them with particularity, to state the number of pages of which they consist, to describe their contents, to state their date and manner of creation, and to indicate the current persons or entities in whose possession they reside.

Request for Production No. 1:

All DOCUMENTS IDENTIFIED or referred to in YOUR initial disclosures.

Request for Production No. 2:

All DOCUMENTS IDENTIFIED or referred to in YOUR responses to interrogatories in this case.

Request for Production No. 3:

All DOCUMENTS relating to, referring to, or describing the INCIDENT.

Request for Production No. 4:

All DOCUMENTS that YOU contend support YOUR claim that any defendant in this case is liable to YOU.

Request for Production No. 5:

All DOCUMENTS reflecting or constituting communications relating to the INCIDENT, including without limitation emails, letters, and notes.

Request for Production No. 6:

All DOCUMENTS containing, reflecting, or relating to any statements about the INCIDENT by any defendant(s) in this lawsuit.

1 Request for Production No. 7:

2 All witness statements relating to or referring to the INCIDENT.

3 Request for Production No. 8:

4 All DOCUMENTS relating to or reflecting YOUR criminal history.

5 Request for Production No. 9:

6 All DOCUMENTS relating to, referring to, describing, evidencing, or supporting any
7 damages that YOU are claiming in this case.

8 Request for Production No. 10:

9 YOUR medical records relating to the INCIDENT.

10 Request for Production No. 11:

11 All DOCUMENTS reflecting any jobs held or income earned by YOU before the
12 INCIDENT.

13
14 Dated: January 18, 2008

15 DENNIS J. HERRERA

16 City Attorney

17 JOANNE HOEPER

18 Chief Trial Deputy

19 SCOTT D. WIENER

20 Deputy City Attorney

21 By: 

22 SCOTT D. WIENER

23 Attorneys for Defendant

24 CITY AND COUNTY OF SAN FRANCISCO

BAUTISTA V. CCSE, ET AL. - SF SUPERIOR COURT NO. CGC-07-467555

PROOF OF SERVICE

I, HELEN LAU, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On January 18, 2008, I served the attached.

**DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S
FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF ALEXIS BAUTISTA**

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Norman Newhouse, Esq.
Law Office of Norman Newhouse
483 Seaport Court, Suite 103
Redwood City, CA 94063
Telephone: (650) 365-8534
Facsimile: (650) 365-1218
Counsel for Plaintiff

and served the named document in the manner indicated below:

☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☐ will be filed separately with the court.

☐ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-3837 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report ☐ is attached or ☐ will be filed separately with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed January 18, 2008, at San Francisco, California.


HELEN LAU

1 **Bautista v. City and County of San Francisco, et.al**
2 **Northern Division C07 5434 CW**

3 **PROOF OF SERVICE**
4 (Business Practice to Entrust Deposit to Others)
5 (C.C.P. Section 1013a(3))

6 I, Maureen Morales, declare:

7 I am employed in the County of San Mateo, California. I am over the age of
8 18 years, and not a party to the within action. My business address is 483 Seaport
9 Court, Suite 103, Redwood City, California 94063.

10 On the date stated below, at my place of business at Redwood City, California,
11 I caused to be served, in the manner indicated below, the within:

12 **NOTICE OF ORDER AND MOTION TO BE RELIEVED AS COUNSEL –**
13 **CIVIL**

14 on the interested parties in said action by placing true copies thereof, enclosed in a
15 sealed envelope, addressed as follows:

16 Scott Weiner, Esq.
17 Assistant District Attorney
18 Office of the District Attorney
19 City and County of San Francisco
20 850 Bryant St
21 San Francisco, CA 94103
22 Phone: 415-553-9044
23 Fax: 415-553-1034

Alexis Bautista
1409 Saint Kitts Lane
Foster City, CA 94404

24 xxx (BY REGULAR MAIL) I caused such envelopes with postage thereon fully
25 prepaid to be placed in the U.S. Mail at Redwood City, California.

26 (BY FACSIMILE) I served the foregoing documents by facsimile
27 transmission to the number shown above for each interested party, pursuant to
28 California Rules of Court Section 2003(3) and no notice of error was received.

I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct. Executed on **May 8, 2008**, in the City of Redwood
City, County of San Mateo, California. that the foregoing is true and correct.

29 
30 Maureen Morales